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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/759,039      | 01/20/2004  | Chun-I Chen          |                     | 7111             |

7590 06/15/2004  
Wisam Enterprises Co., Ltd.  
P. O. Box No. 6-57  
Junghe  
Taipei, 235  
TAIWAN

|                 |              |
|-----------------|--------------|
| EXAMINER        |              |
| LEE, Y MY QUACH |              |
| ART UNIT        | PAPER NUMBER |

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/759,039

Applicant(s)

CHEN, CHUN-I

Examiner

Y Quach Lee

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 2875

### ***DETAILED ACTION***

#### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 4, line 19, there are two reference numerals "72". One of them is incorrect and should be changed to --74-- in view of drawing figure 3. On page 5, line 11, the term "secondary" is incorrect in view of the following reference numeral "13" on the same line and page, line 2 of page 5 and drawing figure

1. It should be changed to --main--. Appropriate correction is required.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to provide an enabling disclosure of the invention. For instance, it is not clear how the touch control switch 14 electrically connected to the hollow supporting post 11 by merely connected to the post through a touch control wire 141 since there is no explanation or illustration of any electrical conduction between the wire and the post? Even if there is electrical conduction between the post, the wire and the switch, how does the apparatus function without causing injury by touching it?

#### ***Claim Objections***

3. Claims 1 and 2 are objected to because of the following informalities: In claim 1, the term "being characterized that" is improper. It does not conform to the U.S. standard practice. It is suggested that this term should be changed to --wherein--. In claim 2, there is no clear antecedent basis for "the hollow structure". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Note the reason set forth in the above objection to the specification.

Art Unit: 2875

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hadly in view of Ho.

Hadly discloses a floor lamp having a seat (2), a hollow supporting post (3) extending from the seat, a secondary light base (8) having a light bulb, a main light base (4) at an upper end of the post and having a light bulb, and switch means for controlling the light bulbs. However, Hadly does not disclose that the switch means is a touch control switch having an integrated circuit connected to the light bulbs through double loop control wires to switch on and off the light bulbs in sequence.

Ho teaches that it is known in the lighting art to use a touch control switch (2) having a touch control wire and an integrated circuit connected to two light bulbs (33, 56) through double loop control wires (column 2, lines 13 to 14) to switch on and off the light bulbs in sequence (column 2, line 18).

It would have been obvious to one skilled in the art to provide the switch means of Hadly with the touch control switch, as shown by Ho, to control the switching of the light bulbs in sequence to obtain various stages of illumination effects.

With regards to claim 2, to position the switch within and to connect to the post through the touch control wire would have been an obvious matter of design choice, since such a modification would have involved a mere change in the location of a component, which provides no unusual, unobvious, and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to position and connect the switch in any desired location, via the touch control wire, including within the post to facilitate the activation of the light bulbs. Note also that the order of the light bulbs adds no positive structure to the claimed invention to patentably distinguish from the structure of the prior art reference and as such no patentable weight is given thereto.

Art Unit: 2875

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Swanson and Marchese are cited to show other pertinent floor lamps having touch control switch means for controlling the switching of the light bulbs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.  
June 10, 2004



Y Quach Lee  
Patent Examiner  
Art Unit 2875